

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ASHLEY GENNOCK and JORDAN BUDAI,	)	
individually and on behalf of all others similarly	)	
situated,	)	
Plaintiffs,	)	
	)	
vs	)	Civil Action No. 17-454
	)	Judge Cercone
KIRKLAND'S, INC.,	)	Magistrate Judge Dodge
Defendant.	)	

ORDER

AND NOW, this 21<sup>st</sup> day of October, 2019, after the plaintiffs, Ashley Gennock and Jordan Budai, filed an action in the above-captioned case, and after a Joint Motion for Determination of Subject Matter Jurisdiction was submitted by the parties, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties a period of time after being served with a copy to file written objections thereto, and no objections having been filed, and upon independent review of the motion, and upon consideration of the Magistrate Judge's Report and Recommendation (ECF No. 44), which is adopted as the opinion of this Court,

IT IS ORDERED that that this action is dismissed without prejudice for lack of subject matter jurisdiction.

s/ David Stewart Cercone  
\_\_\_\_\_  
David Stewart Cercone  
United States District Judge